

United States Bankruptcy Court
61288, Houston TX 77208

SOUTHERN DISTRICT OF TEXAS P.O.Box
(Houston Division)

PROOF OF CLAIM

Name of Debtors <u>Stage Stores, Inc., a Delaware corporation</u> <u>Specialty Retailers, Inc., a Texas corporation</u> <u>Specialty Retailers, Inc. (NV), a Nevada corporation</u> *place an "x" beside the name of the Debtor you are filing a claim against		Case Number 00-35078-H2-11 00-35079-H2-11 00-35080-H2-11		Creditor ID#: 788-59613	
Name of Creditor (The person or other entity to whom the debtor owes money or property): Tammy Walker C/O Midani & Associates, P.C.		Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.		United States Bankruptcy Court Southern District of Texas FILED JUN 30 2000 Michael N. Milby, Clerk	
Name and address where notices should be sent: *****3-DIGIT 770 Tammy Walker C/O Midani & Associates, P.C. 5433 Westheimer, Suite 607 Houston TX 77056 		Check box if you have never received any notices from the bankruptcy court in this case			
		Check box if the address differs from the address on the envelope sent to you by the court.			
Account or other number by which creditor identifies debtor: <u>Case # 2000-3032</u>		Check here <input type="checkbox"/> replaces if this claim <input type="checkbox"/> amends a previously filed claim, dated: _____			
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input checked="" type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____		<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) Your SS#: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)			
2. Date debt was incurred: <u>1-6-98</u>		3. If court judgment, date obtained: _____			
4. Total Amount of Claim at Time Case Filed: \$ <u>120,000</u> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.					
5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other All personal and intangible property of Debtor's Estate Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any \$ _____			6. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,300)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)_____. *Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.			This Space Is for Court Use Only		
8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.					
9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.					
Date <u>6-29-00</u>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <u>Michael N. Milby</u>				
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.					

TAMMY L. WALKER
Plaintiff,
vs.

IN THE DISTRICT COURT
HARRIS COUNTY, TEXAS

STAGE STORES, INC., d/b/a as
SPECIALTY RETAILERS, INC.,
SPECIALTY RETAILERS, INC., d/b/a and
Formally known as PALAIS ROYAL,
GGP/HOMART, INC.,
HOMART MANAGEMENT CO. – TEXAS, and
GENERAL GROWTH MANAGEMENT, INC.
Defendants.

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166 JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, TAMMY L. WALKER, hereinafter referred to as PLAINTIFF,
complaining of STAGE STORES, INC., d/b/a SPECIALTY RETAILERS, INC.,
SPECIALTY RETAILERS, INC., d/b/a and formally known as PALAIS ROYAL,
GGP/HOMART, INC., HOMART MANAGEMENT CO. – TEXAS, and GENERAL
GROWTH MANAGEMENT, INC., DEFENDANTS, and for cause of action would respectfully
show unto the Court the following:

I.

Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff hereby expresses her
intent for discovery in this case to be conducted under Rule 190.3 (Level 2).

II.

Plaintiff is an individual residing in Houston, Harris County, Texas.

Defendant, Stage Stores, Inc., d/b/a Specialty Retailers, Inc., is a business in the State of
Texas and can be served with citation upon its registered agent, Scott A. Woods, 10201 South Main
St., Houston, Texas 77025.

Defendant, Specialty Retailers, Inc., d/b/a and formally known as Palais Royal, is a business in the State of Texas and can be served with citation upon its registered agent, Scott A. Woods, 10201 South Main St., Houston, Texas 77025.

Defendant, GGP/Homart, Inc., is a business in the State of Texas and can be served with citation upon its registered agent, Prentice Hall Corporation System, 800 Brazos, Austin, Texas 78701.

Defendant, Homart Management Co. – Texas, is a business in the State of Texas and can be served with citation upon its registered agent, Prentice Hall Corporation System, 800 Brazos, Austin, Texas 78701.

Defendant, General Growth Management, Inc., is a business in the State of Texas and can be served with citation upon its registered agent, Prentice Hall Corporation System, 800 Brazos, Austin, Texas 78701.

III.

This cause of action and lawsuit arises out of personal bodily injuries and damages sustained and suffered by Plaintiff, on or about January 6, 1998. At the time and place in question, Plaintiff was a business invitee of Defendant Stage Stores, Inc. and Specialty Retailers, Inc., a/k/a Palais Royal, located at 1224 Deerbrook Mall, Houston, Harris County, Texas.

Plaintiff went into the business location of the Defendants to shop. While walking out of the building underneath a covered area, Plaintiff slipped on an unknown combination of water, slime, algae, mold and grass, causing her to fall forcefully, violently and without warning onto the floor.

As a proximate result of such a violent fall by the Plaintiff, the occurrence described above has caused Plaintiff to sustain and suffer serious, severe and disabling personal bodily injuries and damages.

IV.

Plaintiff's injuries and damages were proximately caused by the negligent acts or omissions of the Defendants, acting by and through their agents, servants and/or employees, in, but not limited to, the following particulars:

1. Inviting the Plaintiff to use the premises when the Defendant knew or should have known of the dangerous condition then existing on the premises;
2. Failure to provide and maintain a safe place in which business invitees, including Plaintiff, could procure goods offered for sale;
3. Failing to warn the Plaintiff of the dangerous condition then existing;
4. Failing to inspect the premises on to which Plaintiff was invited, for any dangerous conditions;
5. Failing to take proper action to prevent such an injury as sustained by Plaintiff when the Defendant knew or should have known of the dangerous conditions resulting from liquid on the floor;
6. Failing to post warning signs around the perimeter of the restaurant of the immediate vicinity of the premises in question, to warn business invitees, such as Plaintiff, of the dangerous conditions existing there;
7. Failing to take preventive measures to prevent injuries where dangerous conditions then existing on the premises or a continuing or reoccurring occurrence, and/or where such injuries were foreseeable;
8. Failing to hire duly qualified and competent employees;
9. Failing to properly supervise their employees.

V.

As a proximate result of the Defendants' negligent acts or omissions, acting by and through their agents, servants and/or employees, Plaintiff has been injured in at least, but not limited to, the following particulars and has suffered the following legal damages:

1. The physical pain that Plaintiff has suffered;
2. The mental anguish that Plaintiff has suffered;
3. The amount of reasonable medical expenses necessarily incurred in the treatment of Plaintiff's injuries;
4. The damages resulting from the physical impairment suffered by Plaintiff and the resulting inability to do those tasks and services that she ordinarily would have been able to perform.

VI.

If it be shown that Plaintiff suffered from some pre-existing injury, disease and/or condition at the time of the incident made the basis of this suit, then such injury, disease and/or condition was prolonged, aggravated and/or exacerbated as a proximate result of the incident made the basis of this suit.

If Plaintiff should suffer from some subsequent injury, disease and/or condition naturally flowing from, accelerated by, and/or excited by the incident made the basis of this suit, then such is also alleged to proximately result from the incident in question.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that the Defendants be duly cited to appear and answer herein; that upon final trial of this cause, Plaintiff recovers:

1. Judgment against Defendants for Plaintiff's damages as set forth above, in the amount in excess of the minimum jurisdictional limits of this Court;
2. Exemplary damages in an amount to be determined by a trial on the merits;
3. Interest on said Judgment at the legal rate on date of judgment;
4. Prejudgment interest as allowed by law;
5. Cost of Court; and
6. For all such other and further relief to which Plaintiff may show herself justly entitled.

Respectfully submitted,

MIDANI & ASSOCIATES, P.C.



Mark Midani

State Bar Number 14013250

Mario A. Rodriguez

State Bar Number 00794553

Bank of America Building

5433 Westheimer, Suite 807

Houston, Texas 77056

(713) 871-1001

(713) 871-1054 facsimile

ATTORNEYS FOR PLAINTIFF

MIDANI & ASSOCIATES, P.C.

-ATTORNEYS AT LAW-

OF COUNSEL:
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GREG WETTMAN

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GALVESTON OFFICE:

BANK OF THE WEST BLDG.
2401 BROADWAY, 2ND FLOOR
GALVESTON, TEXAS 77550
TELEPHONE (409) 763-1627
HOUSTON LINE (713) 474-4055
TELEFAX (409) 763-0430

SPECIAL POWER OF ATTORNEY

TO WHOM IT MAY CONCERN:

This Special Power of Attorney is granted to the firm of Midani & Associates, Attorneys, and is furnished for the purpose of authorizing such firm to do the following:

1. Request and receive all medical information concerning the treatment and care of the undersigned and/or such other persons for whom the undersigned has responsibility and who are named below. This shall authorize full and complete disclosure of all facts and opinions pertaining to such care and treatment and authorize my attorneys to receive medical reports, records, X-rays, and other information and data, as well as copies of same, pertaining to such medical care and treatment.
2. Request and receive all employment information concerning my past, present, or potential future employment for any person or firm, including specifically wage information, duties of employment, personnel records, duration of employment, method of performing duties, and any similar matters pertaining to such employment.
3. Request and receive from the Veterans Administration of the United States, Department of Health, Education, and Welfare, or any subdivision thereof, and/or any other agency of the United States Government, or any state or local government, any and all information of whatsoever kind or nature pertaining to my previous medical history, previous record of service in the United States Armed Forces, previous record of wages earned or employers worked for, or any other matter which in the opinion of said attorneys is deemed to be needed by such attorneys.
4. Execute, in my name and on my behalf, such instruments, authorizations, or requests as may be necessary in order to procure the above information from any of the foregoing authorities, and all of the foregoing authorities and persons are specifically instructed by me to honor such requests and furnish such information concerning the foregoing as they may deem necessary and appropriate without further authorization from me.

And I hereby give and grant to said attorneys the full power and authority to do and perform each and every act and thing whatsoever requisite and necessary as I might or could do if personally present with respect to securing any of the foregoing items of information; and I agree and represent to those dealing with my said attorneys that this Power of Attorney is valid and in force and effect and may be voluntarily revoked only by written revocation transmitted to such persons dealing with my said attorneys, and I further authorize said attorneys to exhibit the Power of Attorney or any photostatic copy thereof, which exhibiting shall constitute full authority on the part of the persons contacted by my said attorneys to release the requested information.

A photocopy of this authorization should be as valid as an original as long as it has the original additional ink signature of my attorney.

Tammy Walker
CLIENT SIGNATURE

10/21/98
DATE

TYPED NAME *Tammy Walker*
ADDRESS *22221 Cypresswood Dr #606*
CITY, STATE & ZIP *Spring TX 77373*
SOCIAL SECURITY NO. *454-25-1942*
DRIVER'S LICENSE NO. : *08140857*
DATE OF BIRTH *03-20-58*

MIDANI & ASSOCIATES, P.C.

OF COUNSEL:

HON. BRUCE W. WETTMAN

HON. GREG WETTMAN

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June 28, 2000

Clerk, U.S. Bankruptcy Court
P.O. Box 61288
Houston, Texas 77208

Re: *Debtors*

Stage Stores, Inc. a Delaware Corporation; Cause No. 00-35078-H2-11

Specialty Retailers, Inc. a Texas Corporation; Cause No. 00-35079-H2-11

Specialty Retailers, Inc. a Nevada Corporation; Cause No. 00-35080-H2-11

Dear Clerk:

Enclosed for filing among the papers in the above-styled and numbered cause please find:

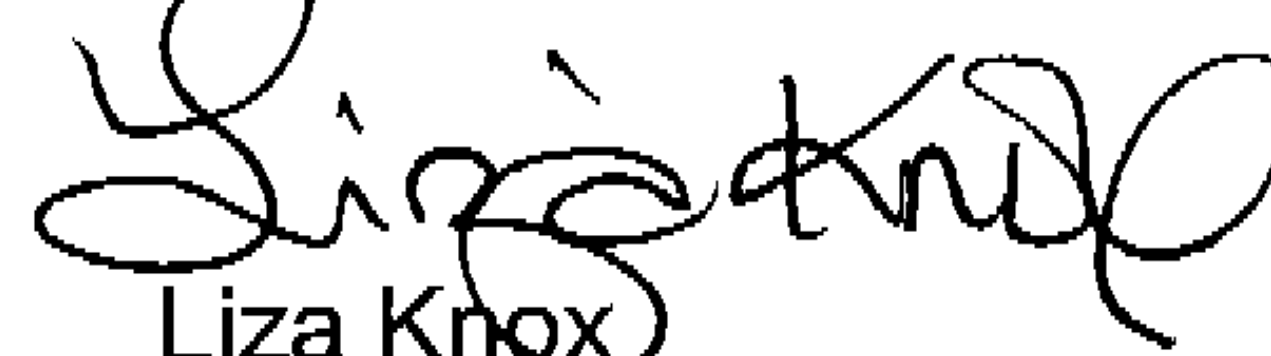
Proof of Claim Form

Please acknowledge receipt of the enclosed by placing your file stamp on the enclosed copy and mailing same to our office in the enclosed postage-prepaid envelope.

Thank you for your assistance and cooperation in this matter.

Very truly yours,

MIDANI & ASSOCIATES, P.C.



Liza Knox

Legal Assistant

Enclosures